

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Nora Chanko	Team: Squad #3	CCRB Case #: 201800230	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 01/06/2018 7:45 PM	Location of Incident: 344 Brook Avenue	Precinct: 40	18 Mo. SOL 7/6/2019	EO SOL 7/6/2019	
Date/Time CV Reported Sat, 01/06/2018 8:15 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 01/10/2018 11:12 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. LSA David Vasquez	00000	916845	SRG 2
2. POM Mauricio Thomas	26957	945466	SRG 2

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Deanna Collins	10809	941197	SRG 2
2. POM Patrice Barolette	16470	932300	SRG 2

Officer(s)	Allegation	Investigator Recommendation
A.POM Mauricio Thomas	Abuse: Police Officer Mauricio Thomas damaged § 87(2)(b) s property.	
B.LSA David Vasquez	Discourtesy: Lieutenant David Vasquez spoke discourteously to § 87(2)(b)	

Case Summary

§ 87(2)(b) filed this complaint with IAB via phone on January 6, 2018. The CCRB received this case on January 10, 2018, via IAB Log 18-0988.

At approximately 7:45 p.m. on January 6, 2018, § 87(2)(b) was pulled over by Lt. David Vasquez and PO Mauricio Thomas of Strategic Response Group (SRG) 2 in front of 344 Brook Avenue in the Bronx. The officers told § 87(2)(b) that her license plates were revoked, and asked for her documents. § 87(2)(b) handed her driver's license, which she stated was intact at the time, to Lt. Vasquez along with other documents, and he and PO Thomas went back to their vehicle. PO Deanna Collins and PO Patrice Barolette, also of SRG 2, and officers from the 40th Precinct arrived. At the end of the vehicle stop, Lt. Vasquez returned § 87(2)(b)'s documents, along with a summons for aggravated unlicensed operation of a motor vehicle because her New York driver's license was suspended. § 87(2)(b)'s driver's license was cracked in two places (**Allegation A: Abuse of Authority**, § 87(2)(g)). As § 87(2)(b) drove away, Lt. Vasquez said, "Say my fucking name right, Lt. Vasquez, 40th Precinct," (**Allegation B: Discourtesy**, § 87(2)(g)).

No video footage was obtained regarding this incident.

Findings and Recommendations

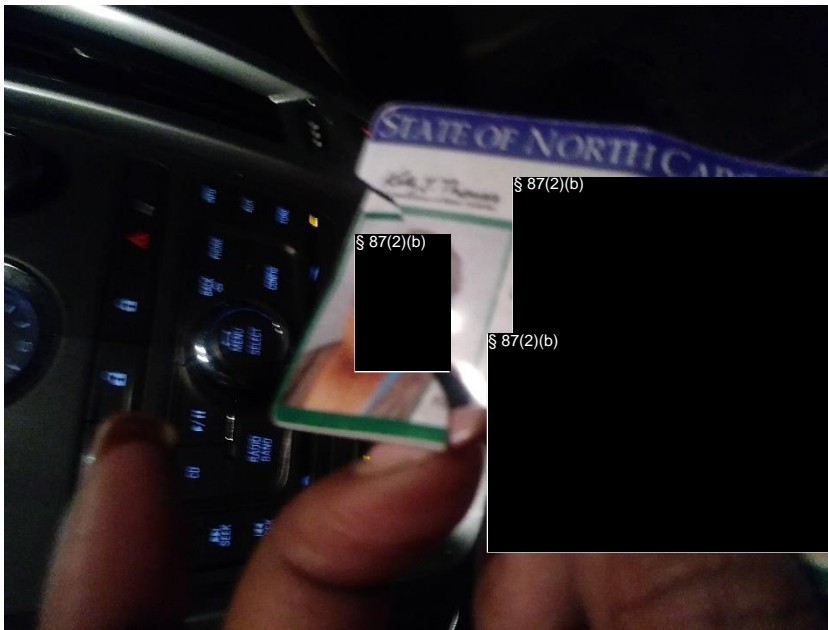
Allegation (A) Abuse of Authority: Police Officer Mauricio Thomas damaged § 87(2)(b)'s property.

It is undisputed that PO Mauricio damaged § 87(2)(b)'s driver's license.

§ 87(2)(b) stated that after she was pulled over by Lt. Vasquez and PO Thomas, she provided her North Carolina driver's license to Lt. Vasquez, and that he and PO Thomas returned to their car. § 87(2)(g)

§ 87(2)(b) said that her license was fully intact, not broken, and without tears. Lt. Vasquez later returned with her documents and a summons, and § 87(2)(b) saw that there were two one inch long jagged cuts in the license, one coming from the left side of the license, and one coming from the bottom of her license. § 87(2)(b) brought her driver's license to her CCRB interview, and a photo was taken (08 Board Review).

§ 87(2)(b) sent a photo of her damaged license to IAB when she filed the complaint, less than two hours after the incident (01 Board Review).



PO Thomas stated that Lt. Vasquez obtained § 87(2)(b)'s driver's license and other documents, and when they were back in their vehicle, PO Thomas noticed that her license was faded and had one crack on the left side of her license, near her picture, causing PO Thomas to think it was fake. PO Thomas was trained to bend a license suspected to be fake, and decided to do so. After bending the license, it cracked in the middle from the top of the license. PO Thomas never determined whether her license was legitimate. PO Thomas did not tell § 87(2)(b) that he had damaged her license because she was already hostile. Later in the interview, PO Thomas was shown a photo of § 87(2)(b)'s license, and stated he believed that the crack starting on the bottom of her license was already there, and that he caused the one coming from the left side of her license.

PO Thomas's training records and transcripts show that he participated in a training on auto theft in 2009, which included techniques on how to examine or detect fictitious licenses, but there was no information about the specific techniques (09 Board Review). On March 1, 2019, an attorney with the CCRB's General Counsel's office spoke with a representative from the NYPD's Risk Management unit, who spoke with an NYPD auto theft course instructor who said that officers who attended the 2009 training were taught to bend licenses "as a method to determine whether or not that document was fraudulent" (10 Board Review). The NYPD refuses to provide the CCRB with any details regarding their training, and thus it is unknown how bending a license will show whether a license is fraudulent or whether officers were only trained this method with the old version of New York State licenses, the updated version of New York State licenses, or licenses from all states.

Lt. Vasquez stated he accepted § 87(2)(b)'s license, and he observed a small crack on the top of it. At the CCRB, when presented with the fully damaged photo of her license, Lt. Vasquez said

the left side crack was consistent with what he remembered but denied that the license was ever cracked halfway through from the bottom up. In the patrol vehicle, PO Thomas did handle the license to run a check on it, but Lt. Vasquez and PO Thomas did not discuss the license being possibly fake. Lt. Vasquez said that with 23 years of experience he can just tell when a license is fake and § 87(2)(b)'s license looked legitimate. Ultimately, PO Thomas decided to summons § 87(2)(b) because he learned that § 87(2)(b) had a suspended New York license. Lt. Vasquez, however, was the officer who returned § 87(2)(b)'s license, paperwork, and summons to her, and when he did so, he recalled the license was intact as when he received it.

§ 87(2)(b) was very upset about the basis for the stop and number of officers present. She said she called 911 three times during the incident, but ultimately, she did not raise the issue to the officers about her license being damaged. PO Thomas and Lt. Vasquez both said that § 87(2)(b) was very upset and disagreeable during the interaction and said she did not complain about her license being damaged.

Patrol Guide procedure 209-24 requires officers to conduct checks on out-of-state driver's licenses, but does not specify that an officer must bend or physically manipulate a driver's license in any way (02 Board Review). Patrol Guide procedure 200-02 directs officers to protect the life and property of fellow citizens (03 Board Review).

§ 87(2)(g)

[REDACTED]

Allegation (B) Discourtesy: Lieutenant David Vasquez spoke discourteously to § 87(2)(b)

§ 87(2)(b) stated that after she noticed that her license was damaged, she did not say anything and drove away. As she drove away, Lt. Vasquez said, "Say my fucking name right, Lt. Vasquez, 40th Precinct." In her phone statement, § 87(2)(b) alleged that Lt. Vasquez made the same statement (04 Board Review).

Lt. Vasquez stated that after the summons was prepared, he thought it best that he issue it to § 87(2)(b) because he had been the officer primarily interacting with her. PO Collins and PO Barolette returned to their car, and he and PO Thomas approached § 87(2)(b)'s car. Lt. Vasquez stated that he provided his name to § 87(2)(b) during the incident, and at one point, she referred to him as Lt. Velasquez, or something to that effect. Lt. Vasquez corrected § 87(2)(b) by saying, "No, it's Vasquez." § 87(2)(b) did not mispronounce his name again, nor did he correct her again. Lt. Vasquez denied saying, "Say my fucking name right, Lt. Vasquez, 40th Precinct." Lt. Vasquez denied using the word "fuck" or any derivative thereof, and denied cursing during the stop.

PO Thomas stated that he approached the vehicle to return § 87(2)(b)'s documents and give her the summons. Lt. Vasquez and was on the other side of the vehicle with PO Collins, and neither of them spoke to her during this time. § 87(2)(g)

PO Thomas denied that Lt. Vasquez made the alleged statement or used any profanity towards § 87(2)(b). PO Thomas also denied that there was any dispute about the way § 87(2)(b) was saying Lt. Vasquez's name.

§ 87(2)(b) consistently alleged that Lt. Vasquez spoke discourteously to her. Though Lt. Vasquez corroborated the circumstances surrounding the alleged statement, he denied cursing during the incident. PO Thomas also denied that Lt. Vasquez made the alleged statement or used profanity. § 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b)
- PO Thomas has been a member-of-service for 10 years and has been a subject in five CCRB complaints and seven allegations, none of which were substantiated. § 87(2)(g)
- Lt. Vasquez has been a member-of-service for 23 years and has been a subject in four CCRB complaints and eight allegations, none of which were substantiated (though other misconduct was noted for providing a false official statement). § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- § 87(2)(b)

- As of November 13, 2018, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (07 Board Review).

Squad No.: 3

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date